

PROTECTING OUR ENVIRONMENT FOR SEVEN GENERATIONS

Environment and Climate Change
Canada's Role in Impact Assessments
NOFNEC 2024



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Chi miigwetch

Photo taken on Fort William First Nation traditional territory

Introductions

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Environmental Assessment Section,
Environmental Protection Branch

Garden River First Nation



Introductions

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Regulatory Affairs Unit,
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Outline

Introduction to Environment and Climate Change Canada

Overview of Impact Assessments

Role in Environmental Reviews on Reserve (s.82)

Role in Impact Assessments of Designated Projects

Compliance Promotion



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Introduction to Environment and Climate Change Canada

Our mandate, expertise & opportunities to work with us



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Introduction to Environment and Climate Change Canada

- Lead federal department for a wide range of environmental issues
- Core responsibilities:
 - Taking action on clean growth and climate change
 - Preventing and managing pollution
 - Conserving nature
 - Predicting weather and environmental conditions



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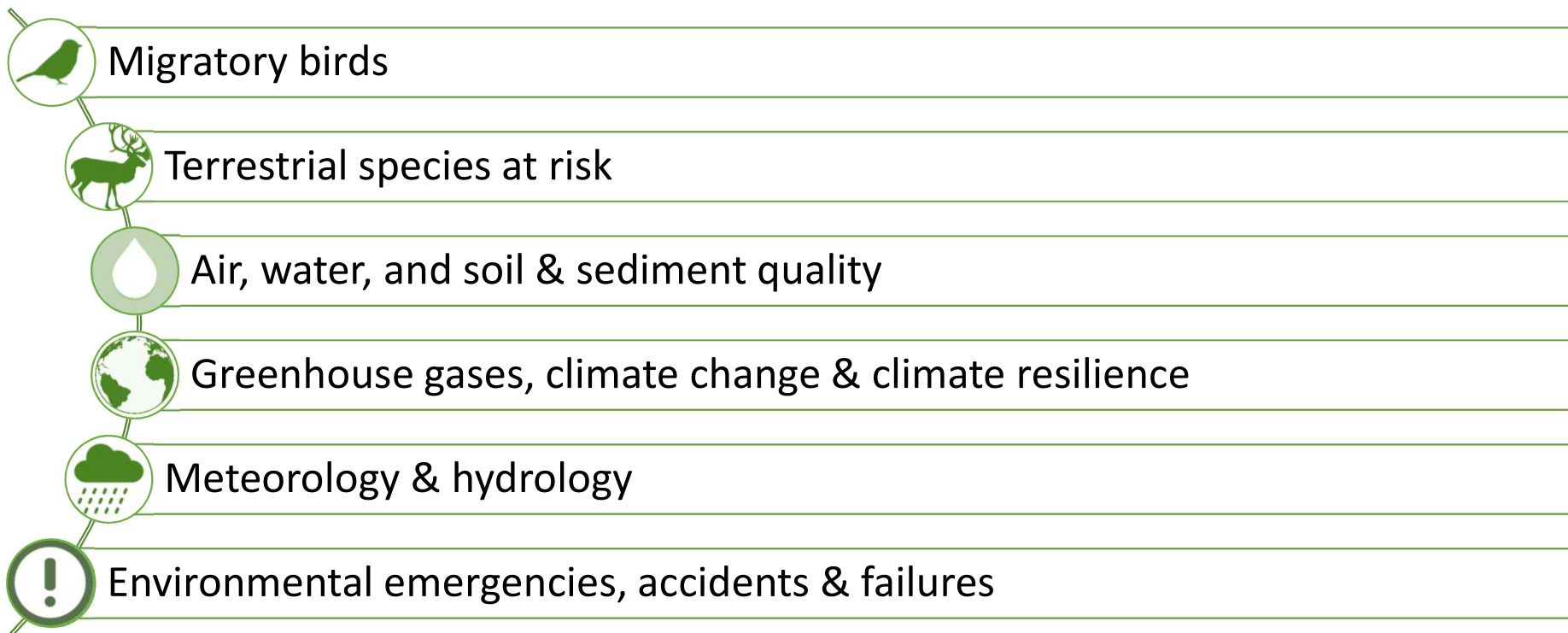
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Acts & Regulations

- *Canadian Environmental Protection Act*
 - Environmental Emergencies Regulations
- Pollution prevention provisions of the *Fisheries Act*
 - Metal and Diamond Mining Effluent Regulations (MDMER)
- ★ • *Species at Risk Act (SARA)*
- *Migratory Birds Convention Act*
 - Migratory Birds Regulations



What are ECCC's Areas of Expertise?



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ECCEC's Indigenous Engagement Activities

- Grants and funding
 - Aboriginal Fund for Species at Risk (AFSAR)
 - Indigenous Guardians
 - Low Carbon Economy Fund – Indigenous Leadership Fund
- Engagement and consultation
 - Regulations and authorizations
 - Species at risk recovery planning
 - Great Lakes Areas of Concern
- Research
 - Coordination & participation



Overview of Impact Assessments

Context of Impact Assessments and the *Impact Assessment Act*



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Overview of Impact Assessments

- Impact assessments are planning tools that:
 - Assess the positive and negative impacts of projects before they start
 - Identify the best ways to avoid or reduce the negative impacts
 - Inform decision-makers about the residual impacts
 - Ensure the protection of people and the environment
- Purposes of impact assessments include:
 - Fostering sustainability
 - Protecting components of the environment within federal jurisdiction
 - Ensuring respect for the rights of Indigenous peoples
- Process described in the *Impact Assessment Act* (IAA)

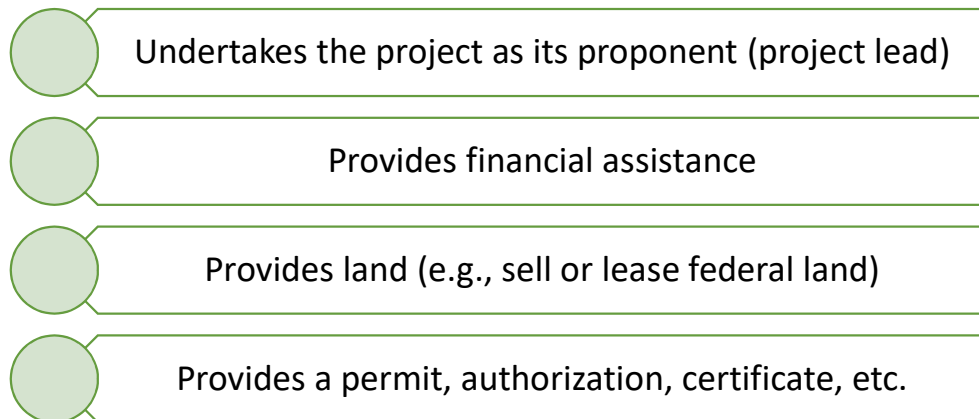
Impact Assessment Act – Designated Projects

- Impact Assessment Agency of Canada (IAAC) leads and manages the impact assessment process for all federally designated projects
- When is an impact assessment (IA) required?
 - Designated projects = major projects e.g., mines, roads, nuclear facilities
- What does the IAA say about federal authorities?
 - Every federal authority that is in possession of specialist or expert information or knowledge ... must, on request, make that information or knowledge available



Impact Assessment Act – Federal Lands (s.82)

- IAA states that authorities can not carry out projects on federal lands if they are likely to cause significant adverse environmental effects
- On federal land, process is required if any federal authority:



ECCC's Role in Environmental Reviews on Reserve (s.82)

ECCC's role in reviewing environmental effects of projects on reserve, with a focus on species at risk



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ECCE's Role in Environmental Reviews on Reserve (s.82)

- When does Indigenous Services Canada recommend that ECCE be involved?
 - If there are terrestrial species at risk (SAR) or migratory birds identified
 - If pollution may enter fish bearing waters
- Who do I contact at ECCE to start the review?
 - Environmental Assessment (EA) Section will coordinate the review of Canadian Wildlife Service and other experts (if requested)
 - EA-EE.Ontario@ec.gc.ca



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Role in Environmental Reviews on Reserve (s.82)





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ECCEC's Role in Environmental Reviews on Reserve (s.82)

- What can ECCEC do in the process when asked?
 - Review information and provide advice on the impacts of the project and the mitigation measures
 - Advise if a *Species at Risk Act* (SARA) permit may be required
 - Provide advice on other areas of our expertise

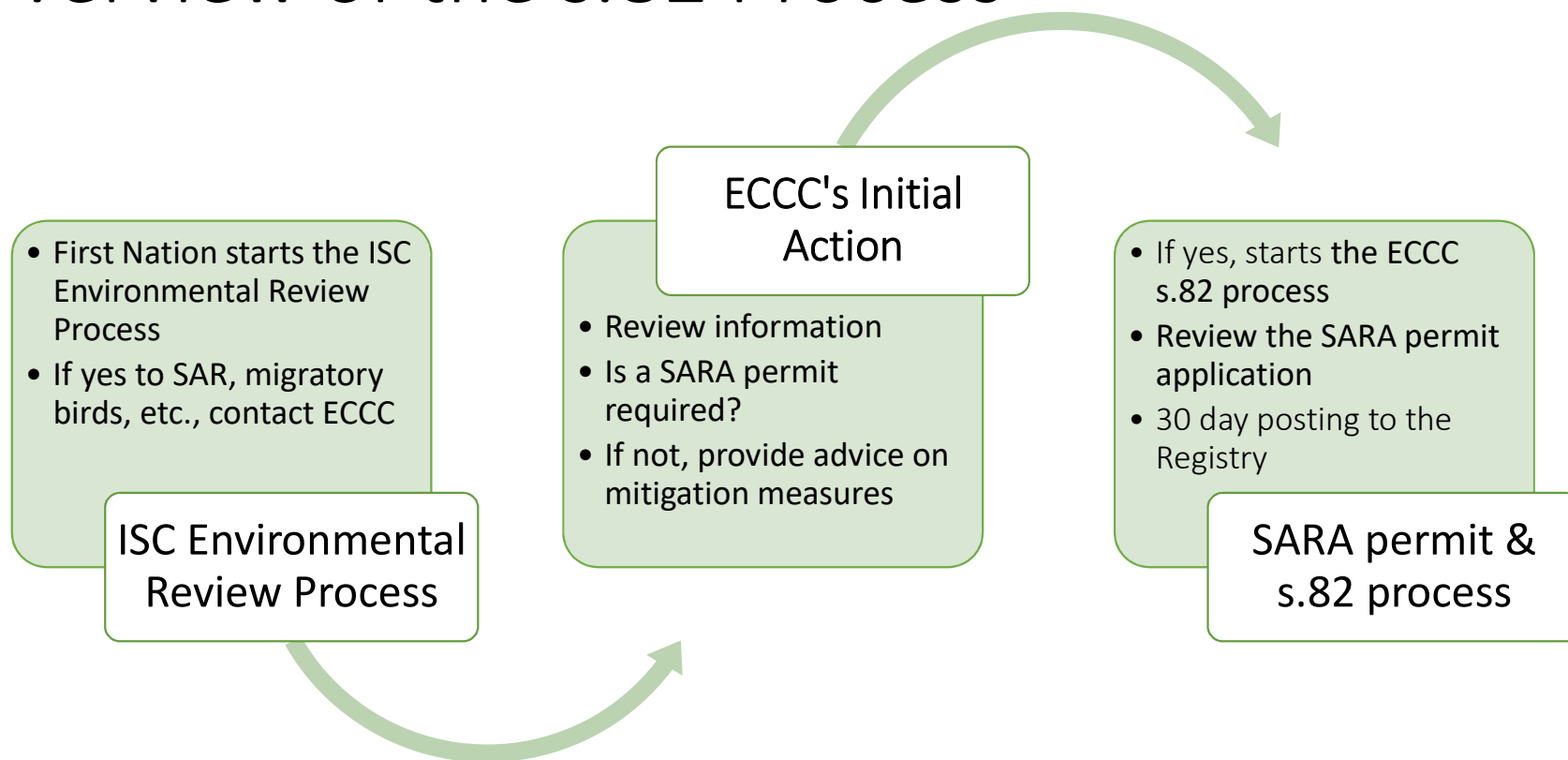


If a SARA permit is required:

-  Undertakes the project as its proponent (project lead)
-  Provides financial assistance
-  Provides land (e.g., sell or lease federal land)
-  Provides a permit, authorization, certificate, etc.

- Comment period on the Canadian Impact Assessment Registry (the Registry) for 30 days
- Determination posted at the end of the s.82 process

Overview of the s.82 Process



Canadian Wildlife Service (CWS) Role

- Expertise:
 - Terrestrial Species at Risk (wildlife and vegetation)
 - Migratory birds
- Federal Policy on Wetland Conservation
- *Species at Risk Act* (SARA) permits



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Permits under s. 73 of SARA

Permit categories:

- Research related to the conservation of the species
- Beneficial for the species
- Impacts to the species are incidental to the activity (where s. 82s fall)

Preconditions for permit issuance – must pass all conditions for issuance

- (a) All reasonable alternatives have been considered; best option for species chosen
- (b) All feasible mitigation measures will be taken to minimize impacts
- (c) Activity will not cause jeopardy to the species



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When is a permit under s.73 of SARA required?

- A permit under s.73 of SARA is required when Threatened and Endangered:
 - **Individuals** may be affected (s.32) – e.g., harm, harass, kill, possess
 - **Residences** (e.g., nests or dens) of individuals may be affected (s.33)
 - Protected **critical habitat** may be affected (s.58)
- Where impacts can be mitigated through avoidance and mitigation measures, a Letter of Advice may be issued.
- Ultimately the proponent's decision on whether to apply for a permit.



What information is required?

- Are there any species at risk in the project area? Potential, or confirmed?
- Is there suitable habitat for species at risk in and around the project area?
- What are the project activities and when will they take place?
- Avoidance and mitigation measures to prevent negative impacts to species at risk.



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SARA permit timelines

- 90-day service standard for SARA permits
 - Minimum timeline does not apply when there is an IA process, including s.82s
- Recommend to submit permits as early as possible once the required information has been obtained. 4-5 months or more.
- Permit applications submitted to the **Species at Risk Permit System**:
<https://splep-saraps.az.ec.gc.ca/index.cfm?fuseaction=home.main&lang=En>
- For s.82 process, Notice of Determination must be posted before a SARA permit can be issued.

What a SARA permit will contain:

- Description of the activity, including what impacts to SAR are being authorized.
- Permit holder (legally responsible) and assistants.
- Terms and Conditions that prevent impacts to SAR.
- Reporting requirements on outcome of project, impacts to SAR.



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Key Takeaways

- Contact ECCC early to ensure your timelines are met
 - Especially if a SARA permit is required
- Have information ready on:
 - Presence of species at risk and habitat
 - Project activities and timing
 - Mitigation measures for species at risk and migratory birds
- We're here to help!



Assessments on ECCC Land

- This process also takes place for projects on ECCC land
- Comments can be shared through the public posting on the Registry
- Must consider whether a project is likely to cause significant effects to the rights of the Indigenous peoples of Canada
- Must consider:
 - Indigenous knowledge provided
 - Community knowledge provided
 - Comments received from the public



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ECCC's Role in Impact Assessments of Designated Projects

Overview of ECCC's role in impact assessments & how we can work together



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ECCC's Role

- ECCC acts as a federal expert department to:
 - Provide science-based advice and guidance
 - Advice is focused on issues most likely to be considered by the decision-makers
 - Respond to questions
 - Engage with IAAC and other stakeholders
- ECCC is available to support the Crown Consultation Lead (IAAC)
- Post-decision regulatory role (SARA permit, MDMER Schedule 2 amendment process)



Summary of ECCC's Role

- Review information & provide advice
- Available to help if requested
- Areas of expertise include:
 - Migratory birds
 - Terrestrial Species at Risk
 - Air, water, and soil & sediment quality
 - GHGs, climate change, & climate resilience
 - Meteorology & hydrology
 - Environmental emergencies, accidents & failures



Contact Information

- Megan Young – Megan.Young@ec.gc.ca
- Generic EA/IA inbox for Ontario - EA-EE.Ontario@ec.gc.ca
- When contacting, always best to ask specific questions or include topics of interest



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ECCC Role's in Compliance Promotion

Summary of ECCC's Compliance Promotion Team



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Compliance Promotion

- The name and purpose of the Program consists of two parts:
 - **Compliance** = being in conformity with the law; and
 - **Promotion** = activities designed to increase awareness and understanding of obligations to comply with the law and their regulations.
- Activities focus on communicating tailored messages to regulated communities to encourage compliance and to avoid potential enforcement action



Compliance Promotion Services

- Responding to inquiries via phone, email or in person
 - Creating and distributing compliance promotion materials (e.g. fact sheets) via web pages, emails, letters, and social media
 - Presenting information sessions and workshops
 - Participating at tradeshow and conferences
-
- Contact us at: PromCon-On-ComPro@ec.gc.ca
 - Or Lisa McClemens at : Lisa.McClemens@ec.gc.ca



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Relevant Regulations

- Storage Tank Systems for Petroleum Products or Allied Petroleum Products Regulations
 - www.canada.ca/petroleum-products-storage-tanks
- Federal Halocarbon Regulations, 2022
 - www.canada.ca/federal-halocarbon-regulations
- Wastewater Systems Effluent Regulations (recently amended)
 - www.canada.ca/wastewater
- PCB Regulations
 - <https://www.canada.ca/en/environment-climate-change/services/pollutants/pcb-in-environment>



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A photograph of a lone tree silhouetted against a sunset sky with clouds. The tree is on the left side of the frame, and the sky is a mix of orange, pink, and grey. The text "Chi miigwetch" is overlaid on the right side of the image.

Chi miigwetch

Photo taken on Fort William First Nation traditional territory

ECCC Contacts

Topic	Name	Email
Environmental/Impact Assessments	Megan Young	Megan.Young@ec.gc.ca
Environmental/Impact Assessments	Generic Inbox	EA-EE.Ontario@ec.gc.ca
Canadian Wildlife Service	Paul Johanson	Paul.Johanson@ec.gc.ca
Canadian Wildlife Service	Generic Inbox	WildlifeOntario@ec.gc.ca
Compliance Promotion	Lisa McClemens	Lisa.McClemens@ec.gc.ca
Compliance Promotion	Generic Inbox	PromCon-ON-ComPro@ec.gc.ca
Other ECCC Questions	Cheyenne Loon	Cheyenne.Loon@ec.gc.ca



Helpful Links & Other Contacts

- <https://www.canada.ca/en/environment-climate-change.html>
 - <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/basics-of-impact-assessments.html>
 - <https://iaac-aeic.gc.ca/050/evaluations>
 - <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/permits-agreements-exceptions/permits-agreements-information.html>
 - IAAC Contact: OntarioRegion-RegiondOntario@iaac-aeic.gc.ca
 - ISC Contact: Julieta.Werner@sac-isc.gc.ca
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